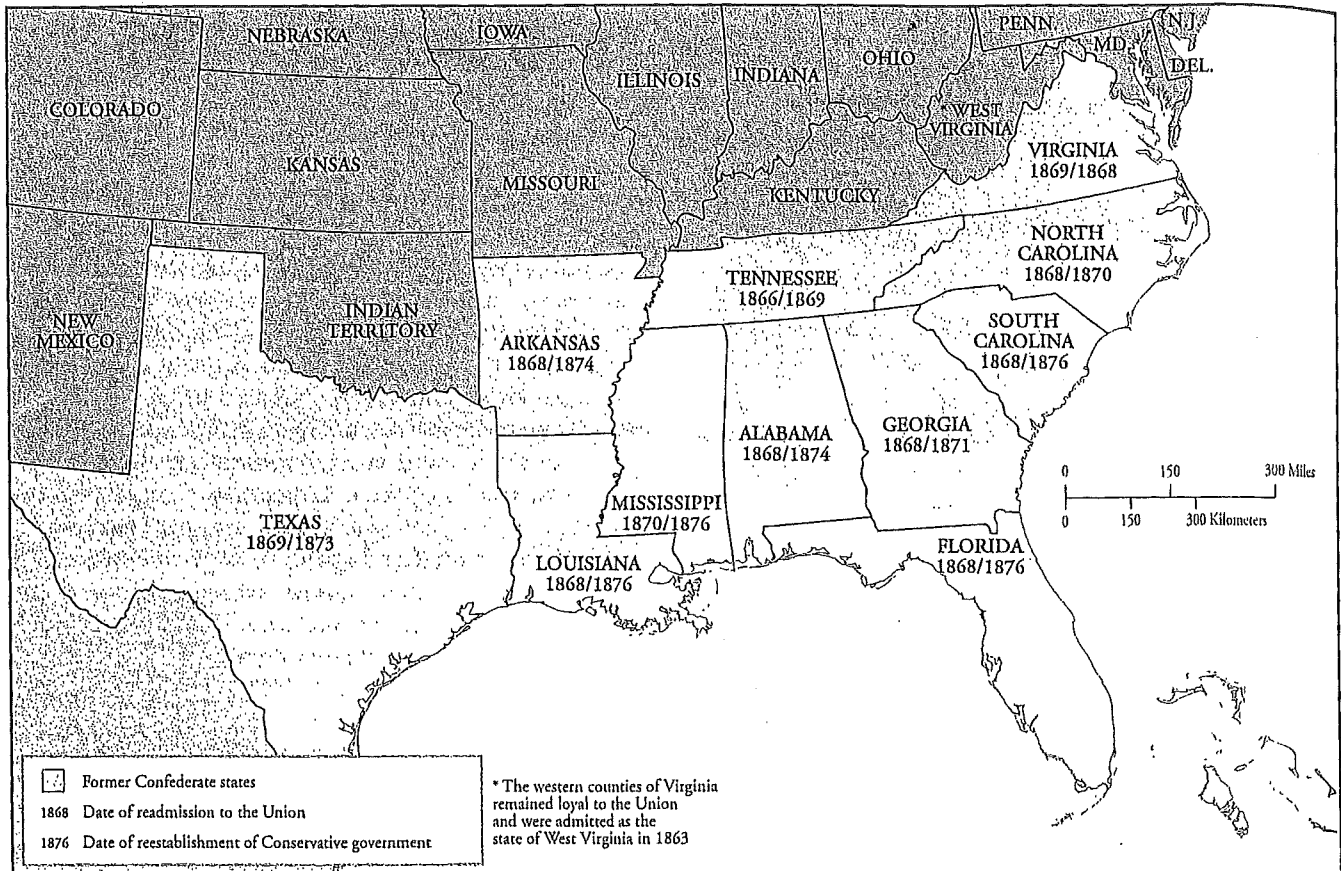


RECONSTRUCTION DEMOCRACY V. AUTHORITY



RECONSTRUCTION, 1866-1877 This map shows the former Confederate states and provides the dates when each was readmitted to the Union as well as a subsequent date when each state managed to return political power to traditional white, conservative elites—a process white southerners liked to call “redemption.” ✦ *What had to happen for a state to be readmitted to the Union? What had to happen before a state could experience “redemption”?*

United States History ACP
Social Studies Department
Wellesley High School
Academic Year 2015-2016

Reconstruction Narrative Essay

Due: _____

Task: You will write a narrative essay of 650-900 words that meets the following requirements:

1. **Describe** how the federal government extended the rights of African Americans following the Civil War in one of these three areas:
 - a. Political participation
 - b. Economic opportunity
 - c. Social advancement
2. You should organize your paper in a way that flows so that you are telling a story about your theme.
3. Thoughtfully choose the best SPARC evidence that illustrates your theme.
4. Include the chief obstacles that the federal government faced in extending rights to African Americans.
5. Include one quote in each body paragraph from a primary source.
6. Obtain your information from appropriate sources.
7. Properly format your papers Chicago format. This includes layout, page numbers and especially footnotes and a bibliography for all of your sources.
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8. You will submit your papers to Turnitin.com

Use class lessons, discussions and readings for evidence.

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blacks who had won for themselves an education, whether pieced together in defiance of laws forbidding literacy schooling for slaves or acquired in the precarious margins of southern society allowed to free blacks before the war. Blacks made more particular demands during the early days of Reconstruction for the right to vote, to serve on juries, to exercise the other freedoms of Americans. These demands too can perhaps best be understood as reflecting the determination to be

an active rather than a passive component of the nation. The plan of Reconstruction imposed by Congress later in the decade would succeed, if only for a moment, because there existed among southern blacks a roughly hewn political structure, a stratum of educated leaders, and a political will. These could respond to the congressional program for bringing the freed slaves into the nation's public life.

Emancipation and Reconstruction

Everyone

Reorganizing the Union

The Confederate surrender opened a difficult constitutional question about the status of the defeated states. Did the former rebel states have the right, as members of the Union, to come straight back to Congress and resume their old political life under the Constitution? Would the government have no authority to set conditions that they would have to meet before they resumed their seats in the House and Senate? If so, Congress would lack the power to force on the South whatever reforms might be necessary for the protection of the freed slaves and the prevention of any future disloyalty. Republicans who favored a coercive policy toward the South argued that by the act of secession the Confederate states had forfeited their status of statehood and reverted to the condition of territories. If they were no longer states, they were not entitled to the rights of states and could therefore be directly subject to the will of the federal government.

Some fundamental reform of the South, at any rate, was necessary, especially since the southern states were imposing oppressive codes of conduct on the freed slave. In the absence of reform, the Union victory might actually give the South a stronger presence in the House of Representatives than the region had enjoyed before the war, and with no consequences to the white majority. The Constitution had provided that in counting the population of a state for determining how many members it was to have in the House, three-fifths of the slaves in the state were to be counted in. But if slavery no longer existed and the blacks were legally free, the whole

black population rather than three-fifths of it would be counted within the population of the state, and the South would gain about twenty seats in the House of Representatives. And if former Confederate states should succeed in finding methods for denying full freedom for the black populace, the South would be getting extra seats without even having to give up its oppression of the black race.

Overshadowing all these issues was the question of the future status of the black people. By eradicating slavery, the country unwittingly confronted long-delayed questions regarding the civil and political status of blacks. Would the ballot and citizenship be conferred on them?

Such questions had to be worked out amid a legacy of bitterness and frustration created by the war. White southerners found themselves in the unique position of being the only Americans to know defeat in wartime, their region burned and bare, their economy a shambles. The North had not suffered the physical and economic devastation experienced by the South. Even its human losses were proportionally less. But northerners had sacrificed to preserve the Union. They needed to know that their expenditures had gone for something, that their principles had been vindicated. They expected a measure of symbolic satisfaction from the South as well as physical surrender.

Lincoln

Lincoln's Reconstruction Plan

In the efforts during the war to settle on some scheme for restoration of the rebel states to the Union, President Lincoln generally favored

policies that would make few demands on the South. He had originally hoped for a speedy end to the war and a rapid resumption of antebellum political ties. Although the prolonged struggle on the battlefield made that impossible, the President continued to advocate a moderate postwar Reconstruction. Lincoln had not been an advocate of black equality. He always approached racial issues cautiously. He had hoped that the process of emancipation would be gradual and under the direction of officials of the former slave states. Believing that the colonization of blacks outside the United States was the ideal solution, Lincoln's administration sponsored efforts to resettle blacks in the Caribbean and Central America. And Lincoln was a cagey politician. An ex-Whig himself, he may have had it in mind that moderate policies attractive to southern former Whigs might draw them to the Republican Party.

In December 1863 Lincoln outlined a formal plan for Confederate areas coming under Union control. It clearly contemplated swift restoration, with no penalties for ex-rebels beyond loss of their slaves. It did not anticipate black participation in Reconstruction. Under Lincoln's "ten percent plan," whenever a total of whites equal to one-tenth the number who had voted in 1860 took an oath of future loyalty to the United States and its laws—which included the abolition of slavery—they could form a new state government. Before the war ended Lincoln had recognized "ten percent" governments in Arkansas, Tennessee and Louisiana. But Congress refused to admit representatives from these states, and their votes were not counted in the 1864 presidential election. Lincoln agreed that Congress should take some role in the reconciliation process, but he always sought to keep restoration under presidential leadership.

The national legislators were looking for a plan more firmly insuring that the new southern governments would remain loyal. The Wade-Davis Bill of 1864 required that, before a formerly seceded state could form a government, fifty percent of the adult white males in that state would have to take an oath of loyalty to the Union. The state could then hold a constitutional convention to make a new government for itself. But voting for delegates to that convention would be limited to people who had taken an oath that they had never supported the secession. The state

must outlaw slavery. The plan was not to go into effect until the war had ended. Thinking the Wade-Davis Bill too severe and an invasion of presidential responsibility for reconstruction, Lincoln pocket vetoed it.

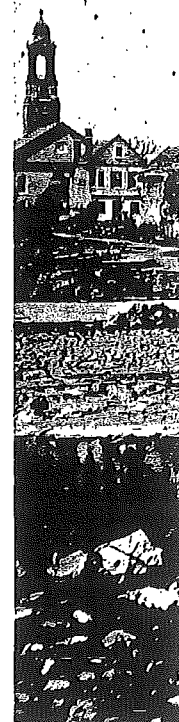
Neither Lincoln's plan nor that of the Wade-Davis Bill provided for blacks to be given the vote. But some Republicans in Congress wished for a program of reconstruction that would grant a wide range of rights to the freedmen and guarantee protection of these rights. Legislators of this kind wanted the national government to have strong control over former rebel states, so that their legal and social systems could be thoroughly reshaped and white southerners would not get the chance to bring back the old slavery system in a new form.

During the final year of the war President Lincoln appeared to be moving somewhat toward a more active and progressive solution to the race question. In March 1864 he came out in favor of granting the vote to "very intelligent" black people and black Union soldiers. He pressed for the Thirteenth Amendment outlawing slavery. A month before his death Lincoln signed the bill creating a Freedmen's Bureau to aid the ex-slaves in their transition to freedom.

In the end, Reconstruction was to be in hands other than Lincoln's. But in the spring of 1865 the President and the Union public did have a brief period to savor victory.

Skip ahead for Johnson
Lincoln's Last Days On April 4 Lincoln went to Richmond to view the Confederate capital now evacuated by the government of Jefferson Davis. Accompanied by his son and a military escort, he walked up Main Street to the Confederate executive mansion. Black men and women crowded around the presidential party and sang and shouted. When he entered the Confederate President's house and took a seat in Davis's chair, the Union troops, black and white, cheered. Later the President toured the captured city that for four bloody years had been the supreme goal of Union armies. Like many other large southern towns Richmond was in ruins: it was blackened by a fire set accidentally by the Confederate authorities before they withdrew.

Lincoln returned to Washington on April 9, the day Lee surrendered to Grant at Appomattox Court House. The news reached



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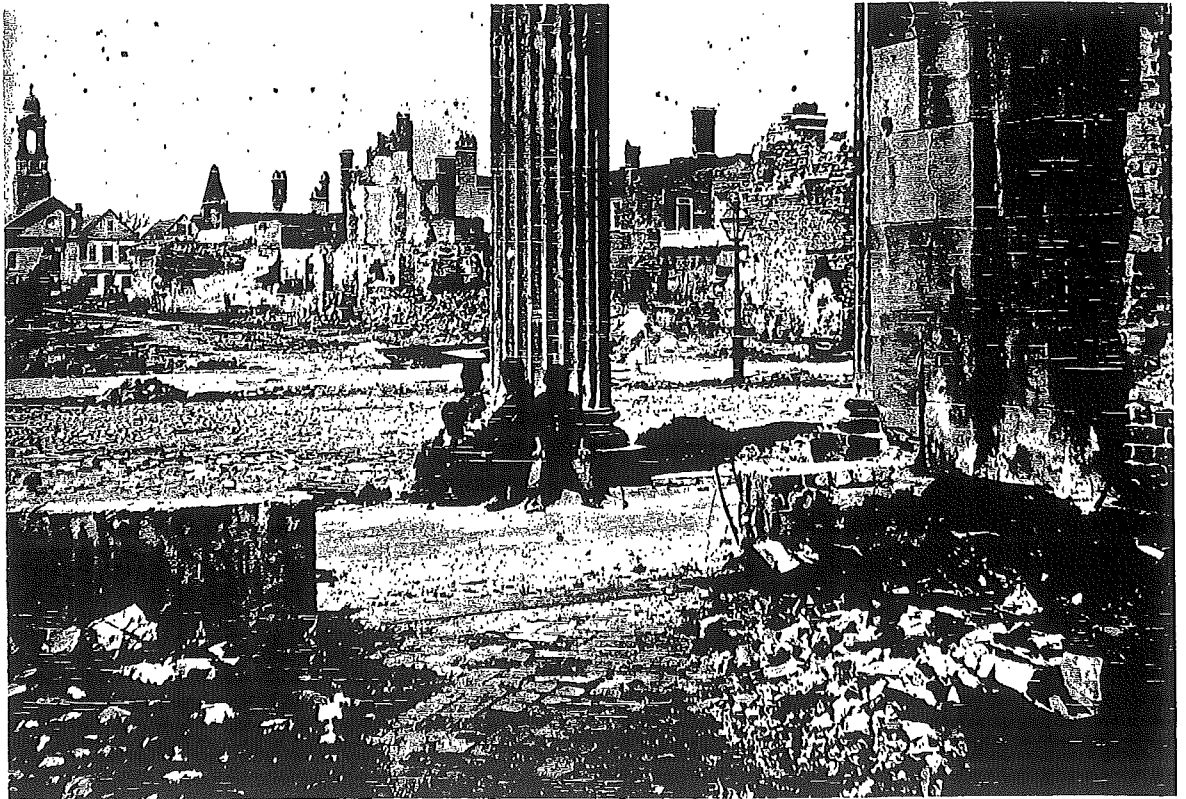
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Charleston, South Carolina. At the war's end, much of the South lay in ruins. (Courtesy, Library of Congress)

Washington the next day and the government declared a holiday for its employees. On the tenth, throngs gathered on the streets of the capital. The crowds eventually converged on the White House, where Lincoln was working at his desk. They interrupted him several times by their shouts for a speech until he finally made an appearance. He would deliver some appropriate remarks the following evening, he said, but for the moment he would just order the bands to play "Dixie." The Confederate anthem, he noted, was now the lawful property of the Union.

The next evening the President came to the upper window of the White House as he had promised and made some graceful remarks. "We meet this evening . . . in gladness of heart" he began, and then went on to deliver a thoughtful address, his last, on the problems to come. If the crowd had wanted a rousing cock-crow of triumph, it was disappointed. At least one man in the audience, however, found himself deeply moved, but to rage and anger. John Wilkes Booth was a

Marylander, an actor from a distinguished theatrical family. The defeat of the South had sent him into despair.

On the evening of April 14 the President, accompanied by his wife and several friends, went to see the comedy *Our American Cousin* at Ford's Theater. The President's party arrived late but quickly settled down to enjoy the story of a shrewd comic American visiting his English relatives. During the third act the sounds of a muffled shot and a scuffle came from the President's box. Suddenly a tall figure leaped from the box to the stage and shouted *Sic semper tyrannis!* (thus ever to tyrants), the motto of Virginia. Before he could be stopped Booth escaped into the night.

They carried the unconscious President to a house across the street. While high officials and family members gathered around, the doctors examined him. The bullet had entered the rear of his head and lodged near his eye. Nothing could be done. He died at 7:22 a.m.

Andrew Johnson

Like other Vice Presidents in American history, Andrew Johnson was selected without much consideration that he might become President. A self-educated tailor from east Tennessee and a strong Jacksonian Democrat, Johnson had been in 1861 the only senator from a secessionist state to support the Union. After Tennessee fell to Union troops, Lincoln made him war governor, a task he performed with vigor and courage. In 1864 the Republican Party, seeking to broaden itself into a Union party, turned naturally to Johnson, an ex-Democrat and a southern Unionist, to be Lincoln's running mate. Then suddenly, on April 14, 1865, he was the President.

Johnson, a President without a party, had to deal with a Republican Congress. And Johnson was a southern white supremacist, willing and perhaps happy to accept emancipation and some rights for black Americans but cooperative with southerners who wished to place strict controls over the black population. This brought him into conflict not only with the increasingly strong band of radical Republicans in Congress but with moderates as well. Courageous and stubborn but belligerent and lacking in political tact, Johnson both endured and to an extent brought on himself one of the most troubled presidential administrations in American history.

Johnson wanted an easy restoration of the seceded states. There was not yet any clearly defined program that would instruct a rebel state in how it must go about reorganizing itself so as to be accepted back into the Union, and Johnson did not wait for Congress to reconvene (it was out of session until December) before dealing with the problem. He announced at once a program of restoration similar to Lincoln's. He too offered pardon to ex-rebels pledging future loyalty. He asked

only that the reorganized state governments nullify their ordinances of secession, repudiate their Confederate debts, and ratify the Thirteenth Amendment.

Assuming primary responsibility for Reconstruction, Johnson chiseled a policy bound to alienate Republicans in Congress. His leniency toward the South angered Radicals. Southerners, moreover, took a course that aroused northern resentment. They elected to state office and to Congress prominent ex-rebels, including Vice President Alexander Stephens and numerous generals. Some of the reorganized state governments refused to repudiate their Confederate debts or nullify their secession ordinances. A number of them passed "black codes" defining the rights of emancipated slaves in ways that severely restricted their freedom.

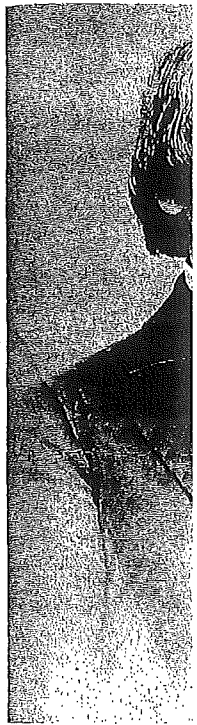
A typical black code might bar blacks from jury duty and from testifying in court against whites; it might forbid them to take up any occupation except agriculture or to rent land on their own; some subjected unemployed blacks to arrest and forced labor. The character of the "restored" governments and the "black codes" seemed to indicate that southerners remained rebels at heart. "Nigger life's cheap now," a white Tennessean soon observed. "When a white man feels aggrieved at anything a nigger's done, he just shoots him and puts an end to it." The Freedmen's Bureau Commissioner in Mississippi and Louisiana wrote:

I hear the people talk in such a way as to indicate that they are yet unable to conceive of the negro as possessing any rights at all. . . . To kill a negro they do not deem murder; to debauch a negro woman they do not think fornication; to take the property away from a negro they do not consider robbery. The people boast that when they get freedmen affairs in their own hands, to use the classic expression, 'the niggers will catch hell.'

Early Reconstruction

When Congress met in December 1865, it refused to seat newly elected southern representatives, but disagreed on what to do next. Radicals demanded a thoroughgoing political and economic shakeup of the South. Moder-

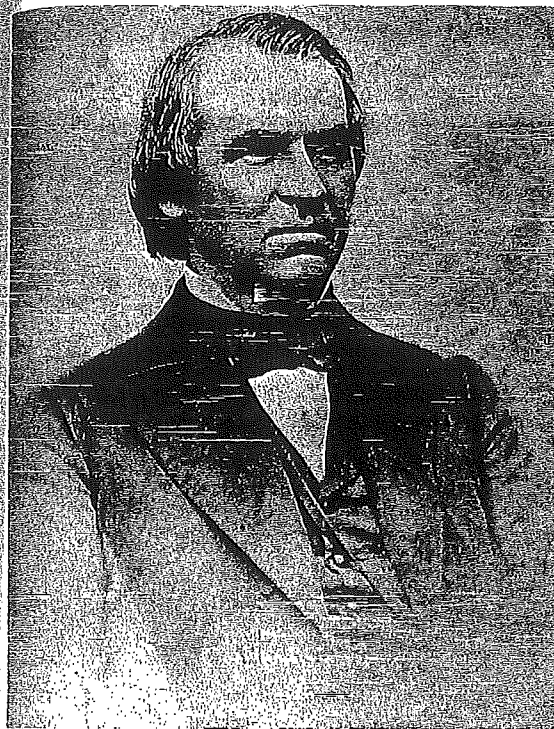
ate Republicans wanted only minimal guarantees of legal protection for the ex-slaves. "To have refused the Negroes the simplest rights granted to every other inhabitant, native or foreigner, would be outrageous," de-



Andrew Johnson responsibility for death alienated toward the South voters.

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Andrew Johnson's attempt to assume primary responsibility for Reconstruction after Lincoln's death alienated Congress, while his leniency toward the South increasingly angered northern voters.

clared Senator John Sherman of Ohio, a moderate leader. The emancipated slave, warned another senator, would "be tyrannized over, abused, and virtually reenslaved without some legislation by the nation for his protection."

At this point moderates still dominated Republican policy. But they too wanted to insure the civil rights of black southerners. In 1866 Congress passed a bill giving to a Freedmen's Bureau the power to try by military commission anyone charged with depriving freedmen of their civil rights. It also put through a bill that gave the freedmen citizenship and civil rights. Johnson vetoed both bills as unconstitutional extensions of federal power. Congress thereupon enacted the civil rights measure over his veto, passed a revised bill for a Freedmen's Bureau, and overrode Johnson's veto of it.

Congress's establishment of the Freedmen's Bureau departed from normal government policy by addressing various aspects of

people's lives that had normally been left to private initiative. The Bureau was essentially responsible for protecting blacks against reenslavement in the unsettled conditions of the southern states.

The Fourteenth Amendment

The national legislature soon offered Johnson and the South another chance. It framed an elaborate

Fourteenth Amendment covering a range of issues and gave each of the state governments favored by Johnson the opportunity to return to Congress if it should ratify.

The Fourteenth Amendment declared that "All persons"—the lawmakers were thinking particularly of black Americans—"born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The Amendment prohibited the states from violating the "privileges or immunities of citizens of the United States," depriving "any person of life, liberty, or property, without due process of law," or denying "to any person within its jurisdiction the equal protection of the laws." The Amendment did not directly extend the right to vote. It attempted instead to entice the states to give the vote to blacks. It provided that a state would lose seats in the House of Representatives in proportion to the number of its adult males denied the right to vote.

A state ratifying the Amendment could expect to be granted readmission without further reform. Implicit in the offer was a penalty for rejection: restoration would begin anew, with Congress dictating terms. Had it not been for Johnson, the South might have ratified. But Johnson refused to bend. On his advice all the southern states except his Tennessee rejected the Amendment. Tennessee ratified and was readmitted to the Union. The other ten, said James A. Garfield, had "flung back into our teeth the magnanimous offer of a generous nation."

The break between the President and Congress was now complete. In the fall of 1866 Johnson stumped the North encouraging the defeat at the polls of leading Republican congressmen. The tour was a disaster for the President personally and politically. Forgetting that he was no longer a Tennessee stump-speaker, Johnson engaged in undignified arguments with hecklers and even suggested hanging leading Radicals. In Novem-

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ber the Republicans swept the elections, winning over a two-thirds majority in both houses of Congress. Reconstruction would begin anew, under the leadership of such

Radical Reconstruction

The situation when Congress met in December 1866 was very different from that a year earlier. Events during 1866 had conspired to bring together moderate and Radical Republicans, at least temporarily. A majority in Congress now agreed on the necessity of creating new southern state governments on the basis of black suffrage and excluding ex-rebels. Arming blacks with the ballot, Republicans hoped, would give them a weapon against white Democratic oppression and build up a strong Republican Party in the South.

The Military Reconstruction Act of 1867 set the terms of the congressional program. It divided the South into five military districts. Military governors in each were to register voters, including blacks but not whites who had held public office before the Civil War and then supported the Confederacy. The governors would thereupon call elections for new constitutional conventions. These conventions had to write black suffrage into the new state constitutions. Once the voters had approved these constitutions and the Fourteenth Amendment, the states might apply to Congress for readmission. If the constitution met approval, the state would be readmitted to the Union and its representatives seated. Three other Reconstruction Acts followed the first.

Reconstruction had something in common with the economic policy of the Republican Party and with the party's defense of the Union during the Civil War. It represented that commitment to strong and active central government toward which Republicans tended. In the enforcement of civil rights, the effort to establish universal male suffrage, and the work of the Freedmen's Bureau, the federal government for the first time in its history was lending its resources, or some of them, to a political and social revolution.

To southern whites haunted by the old antebellum fear of slave insurrection, Radical Reconstruction seemed a nightmare come

Radicals as the Massachusetts Senator Charles Sumner and Representative Thaddeus Stevens of Pennsylvania.

true. With their traditional leaders barred from office and illiterate ex-slaves enfranchised, they predicted a grim era of black rule.

Changing Interpretations of Reconstruction

The earliest critics of Reconstruction condemned it as a rape of southern society. Political opportunism and hatred of the South, so such critics argued, had motivated the Radical Republican policies: military rule, black suffrage, and violation of the spirit, if not the letter, of the Constitution. Accounts sympathetic to the white South stressed the corruption of Reconstruction state regimes, the unruliness—by which some of them may have meant the claims to equality—of former slaves, the greed of northern "carpetbaggers," and the treachery of southern "scalawags." Reconstruction was a "blackout of honest government." In this view, the lifting of Radical rule by the white "redeemers" represented a return to constitutional government and to proper racial relations in the South.

By the 1930s historians were becoming increasingly interested in explaining events by economic causes. That brought a new way of interpreting Reconstruction. Now writers looked back to the days before the Civil War when southerners had opposed such measures favorable to northern business as the protective tariff, which would force the South to buy its manufactured goods from the North rather than at cheaper European prices. Scholars now perceived the Radical Republicans as representatives of northeastern business interests. These interests had feared that a speedily reconstructed South might regain its political power and overturn the control of the national government acquired by northern business during the war years.

More recently, a generation influenced by the civil rights struggles of the 1950s and 1960s has begun describing Reconstruction



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The Road to Freedom

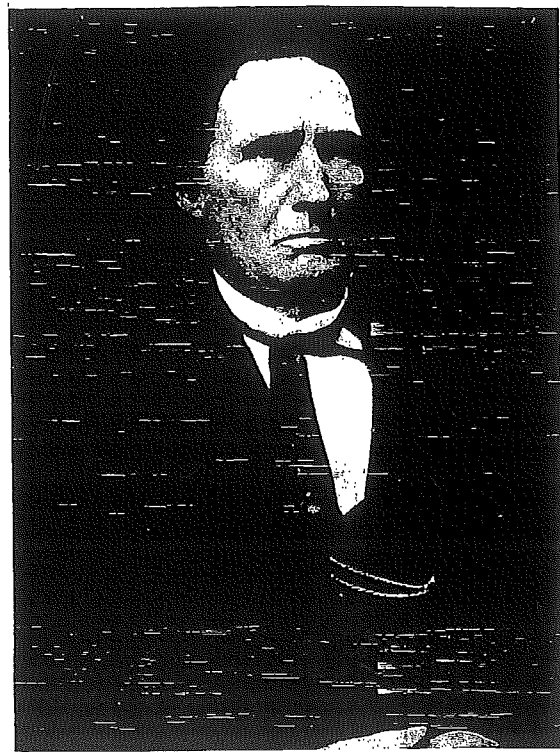
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Massachusetts Senator
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Massachusetts Senator Charles Sumner and Pennsylvania Representative Thaddeus Stevens, leaders of Radical Reconstruction. (Courtesy, Library of Congress)

as another phase in the black American search for justice. Radical Republicans, this analysis insists, represented the last moment of abolitionist idealism. The Radicals tried to provide national protection for the rights of the freed people and to extend some measure of social and economic assistance. Not particularly vindictive and not the tools of a capitalist conspiracy, congressional Republicans, moderates as well as Radicals, undertook their actions only after they realized the extent of white southern stubbornness and presidential obstructionism. And their measures were not especially severe, particularly

when compared to the postwar policies of other victorious nations. The national government committed only a small number of troops to military Reconstruction, and the whole process lasted only a few years. This recent idea of Reconstruction would hold that if any fault is to be found with the policy, it is not for being too severe toward the defeated South but for not being thorough enough to win the black race full and permanent equality and justice. The very word “Radical” has been questioned since most measures passed were compromises unsatisfactory to true radicals.

Blacks in the South

The Road to Freedom In 1870 Congress brought the right to vote under federal control. The Fifteenth Amendment declared that a citizen's right to vote “shall not be denied or abridged . . . on account of race, color, or previous condition of servitude.” The Amendment applied to

black males in the North—much of the North had not allowed black Americans to vote—as well as to former slaves in the South. Most of the black vote went to Republicans, and some northern supporters of the Amendment may have been mainly concerned with strengthening the Republican Party. But

others risked a white backlash to guarantee suffrage to the black man.

The vote that was granted to black males was denied to both black and white females. White women leaders of the movement for women's rights were incensed. Before the war, they had worked within the abolitionist movement and then supported the Republican cause. In 1866, Susan B. Anthony, Elizabeth Cady Stanton, Lucy Stone, and Lucretia Mott organized the American Equal Rights Association (AERA) to support suffrage for both white women and blacks. Some even asserted that white women were better fitted to vote than black men. In the ensuing dispute about priorities, the AERA split into two groups. Lucy Stone and Henry Blackwell formed the American Woman Suffrage Association, which in order not to jeopardize the vote for black men accepted the refusal to grant women the vote. Susan B. Anthony and Elizabeth Cady Stanton organized the more militant National Woman Suffrage Association. Bitter about what they took to be betrayal by male Republican leaders, they warned that women could not trust men, refused to support the freedmen's right to the vote, and even used racist arguments to explain that it was of greater importance to give the vote to white women. Although their racism declined after the passage of the Fifteenth Amendment, it left a disturbing legacy to the women's movement.

In most southern states, Reconstruction lasted for only a few years. In states with large white majorities, conservatives regained political control rather quickly. Virginia was "redeemed" in 1869, Tennessee and North Carolina in 1870. Georgia fell under conservative rule in 1872, Alabama, Texas, and Arkansas in 1874, and Mississippi in 1875. In only three states—Louisiana, Florida and South Carolina—did Radical Republican government last a full decade, and they were all "redeemed" in 1877.

Even in those states where blacks made up a majority of the voters, they did not dominate the reconstructed state governments. They formed a majority in one state constitutional convention, that of South Carolina, exactly one half the membership in the Louisiana convention, and a minority in eight others. After the new governments were formed, blacks never held a majority in both houses of a state legislature. No state had an elected black governor; only two black sena-

tors and fourteen black representatives were elected to the national Congress. At the local level, blacks never enjoyed a proportionate share of offices. In the constitutional conventions and in legislatures, blacks rarely pressed for equal access to public facilities.

Nor were the Reconstruction governments particularly incompetent or corrupt. Much of the leadership of Republican regimes fell to native whites or to northerners who had resettled in the South after the war. Local whites who supported or entered Reconstruction governments were known derisively as "scalawags"; most of these were ex-Whigs seeking to reenter politics. The northerners—some nicknamed "carpetbaggers" for the light baggage they were pictured as bringing southward with them—defy easy characterization. Many were former Union soldiers attracted by the South's climate and cheap land. Some undoubtedly were profiteers; others, like Governor Adelbert Ames of Mississippi and Governor Daniel Chamberlain of South Carolina, were idealists. Any discussion of corruption must be measured against the records of previous white southern administrations and against the sorry performance of several northern governments during this era. On the whole, Reconstruction governments made substantial progress toward postwar recovery and social reform. They drafted progressive new constitutions, reapportioned legislatures to give back-country districts equitable representation, expanded social services, improved roads, encouraged railroad construction, and established the South's first substantial public school system. Much of the so-called extravagance of Reconstruction legislatures merely represented expenditures for public services that previous regimes had neglected.

Humanitarian Efforts

During the Reconstruction years, the national government provided some assistance to the freed people in the South. The Freedmen's Bureau coordinated relief activities and tried to ease the difficult transition from slavery to freedom. The Bureau found employment opportunities, supervised labor contracts, and attempted to safeguard the legal rights of black people. Critics at the time generally indicted the Bureau for doing too much to assist blacks. Later historians have found quite the opposite. Many well-meaning officials were overly paternalistic; others

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the South. In Reconstruction days as before, landowning was common among whites who had possessed no slaves or few. In this respect much better off than the newly freed black population, the white plain folk in this time of uncertainty and open possibility had reason for antagonism to the planters who had led them on a fruitless war for the maintenance of a slaveholding system in which they had largely not shared. But no politics of cooperation materialized between blacks and whites. Racist psychology dominated, and instead of seeing blacks as fellow victims of planter hegemony, poor whites would soon come to view them as upstart competitors for

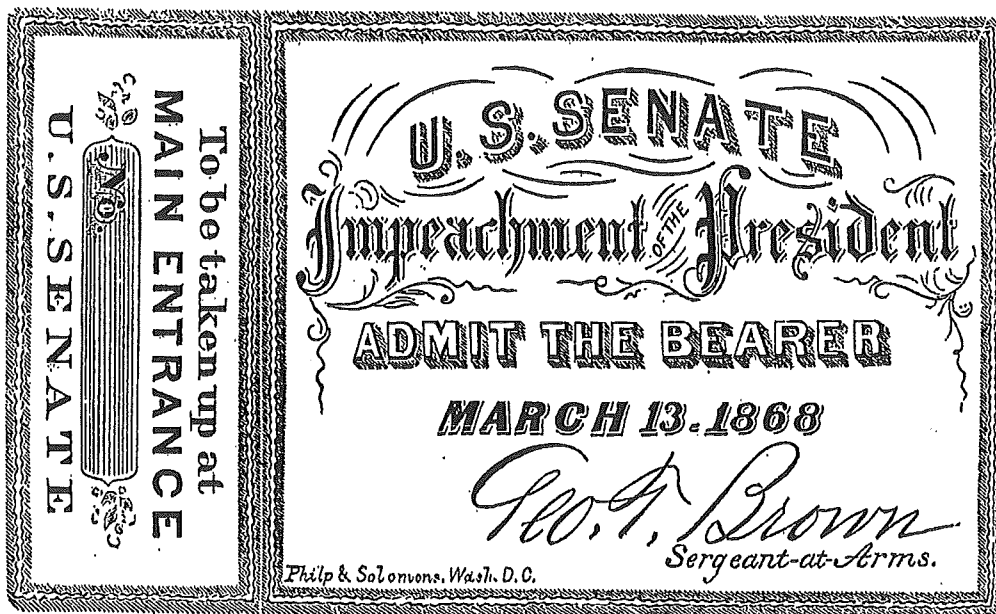
the scraps and tatters of poverty. This gave added cause for the violence that blacks even a century later have suffered from their white neighbors.

As regional impoverishment continued throughout the remainder of the nineteenth century, increasing numbers of whites were ground down into sharecropping. All in all, racial animosity never gave way to a politics of class, but by the late 1880s there were to be some feeble beginnings of just such a politics. Tentative agriculture-based alliances between a few poor blacks and poor whites form a remarkable though faltering episode of late nineteenth-century southern history.

Impeachment of Johnson

Although his policies had clearly been rejected, President Johnson continued to resist Radical Reconstruction by every possible means. Using the authority he possessed as commander-in-chief, he issued orders curtailing the powers of the military commanders in the South. He also removed from office people friendly to radical policies. Congress

responded in 1867 and 1868 by trying to trim the President's powers so as to reduce his capacity for harm. In particular it passed the Tenure of Office Act, which forbade him to dismiss federal officials without the consent of the Senate. Another law required him to issue all orders to the army through its commanding general, U. S. Grant.



Facsimile of a ticket to Andrew Johnson's impeachment trial. Though Johnson was guilty of no crime other than continued resistance to Radical Reconstruction, a switch of a single Senate vote would have removed him from office. (Courtesy, Library of Congress)

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There had been talk among Radicals for
 some time of removing Johnson from office.
 Under the Constitution a President could be
 removed for "Treason, Bribery, or other high
 Crimes and Misdemeanors." Johnson had
 committed none of these. His only real of-
 fense was to refuse to cooperate in legislative
 policies that Congress and the public had ap-
 proved. This might indicate bad political
 judgment. But bad judgment is not a high
 crime or misdemeanor.

Then Johnson, always his own worst en-
 emy, blundered. In August 1867 he sus-
 pended Secretary of War Edwin M. Stanton,
 a close ally of the Radicals. There followed a
 comic opera in which Stanton barricaded
 himself in his office while his successor stood
 outside begging him to vacate. Outraged at
 Johnson's defiance, and convinced that he in-
 tended to destroy Radical Reconstruction,
 the House of Representatives in February
 1868 impeached the President—that is,
 charged him with misconduct. Johnson stood
 accused of a number of doubtful offenses
 such as delivering "inflammatory and scan-
 dalous" speeches, but especially the offense
 of dismissing Stanton in violation of the Ten-
 ure of Office Act. Impeachment meant that

Johnson now had to go on trial before the
 Senate, which would decide whether to re-
 move him from the presidency. For three
 months the Senate sat as a court, listening to
 arguments from attorneys for both sides.
 Johnson's lawyers argued that a President
 could be removed only for violation of criminal
 law; counsel for the House contended
 that Johnson had exceeded his presidential
 authority and therefore provided adequate
 grounds for removal. Suspense mounted as it
 became clear that Republican senators were
 divided over the question of Johnson's guilt.
 In the end, seven Republicans broke with
 their colleagues and voted with Democrats
 against conviction. As a result the Senate fell
 one vote short of the required two-thirds
 needed to remove the President from office.

Johnson's impeachment and trial were the
 product of nerves stretched to the limit after
 three years of feuding. So convinced were
 many northerners that Johnson had joined
 with unrepentant rebels to undo the results
 of the war that they sanctioned any means to
 drive him from office. Johnson's conviction—
 especially on such flimsy grounds—might
 have damaged permanently the role of the
 President in the American political system.

The End of Racial Progress

Reconstruction remained, at least in frag-
 ments, into the 1870s. After white organiza-
 tions, among them the Ku Klux Klan, began
 threatening and committing violence on
 black citizens for exercising their newly ac-
 quired rights, the national legislature in the
 early 1870s put through several Force Acts
 that aimed at restraining the terrorist groups.
 The administration of Ulysses S. Grant,
 elected President in 1868 as the candidate of
 the Republican Party, broke the Klan by the
 end of 1871. In 1875 Congress passed a Civil
 Rights Act—which in 1883 the Supreme
 Court was to find unconstitutional—that re-
 quired states to provide equality to blacks in
 public places and prohibited the exclusion of
 blacks from jury duty. For a while into the
 1870s, some southern states had Reconstruc-
 tion governments that represented black as
 well as white voters. And in 1876 there were
 still a few federal soldiers in the South whose
 object was to defend the rights of the black
 community. But by that year American poli-

tics had been turning away from Reconstruc-
 tion for some time.

In 1868 Grant, as a war hero, had won a
 solid victory over Democratic presidential
 candidate Horatio Seymour of New York. In
 the next years Democrats made politically ef-
 fective attacks on Reconstruction policy, win-
 ning voters unsure of the wisdom of Radical
 Reconstruction or unfriendly to the rights
 black people were gaining. Some Republi-
 cans were also challenging the party's south-
 ern programs. In 1872 Congress lifted from
 many former rebels the penalties prescribed
 in the Fourteenth Amendment and passed an
 Amnesty Act pardoning most of the remain-
 der. Democrats and a faction of Republicans
 put up newspaperman Horace Greeley as a
 presidential candidate. Grant won reelection,
 but his administration suffered from a num-
 ber of political scandals that suggested wide-
 spread corruption. Crédit Mobilier, a dummy
 corporation formed by an inner circle of
 Union Pacific Railroad shareholders, ex-



lty of no crime
 vote would have

torted wealth from the company and distributed bribes to prominent congressmen. In the elections of 1874 the Democratic Party won control of the House of Representatives and cut into Republican strength in the Senate. The era of Reconstruction was nearing an end.

The Compromise of 1877 Finally, in the events that followed the presidential contest of 1876 between the Republican candidate

Rutherford B. Hayes of Ohio and Democrat Samuel J. Tilden of New York, the Republican Party ended Reconstruction and abandoned black southerners and their rights. After the general election, which chose the presidential electors who were to cast the actual vote for President, charges of irregularities had arisen concerning procedures in three southern states, South Carolina, Florida, and Louisiana. There the election boards that had counted the popular presidential vote, giving it in each case to the Republicans, were under the control of Republican Reconstruction forces; Democrats suggested that the vote in each state had actually gone for the Democrats. Both parties also claimed one disputed electoral vote in Oregon. Unless the Republican claims could stand in each of the four states, the majority in the

whole electoral college would be Democratic and Tilden would be the next President. Democrats and Republicans worked out a scheme for a commission that was to decide among the disputed electors; it was supposed to be balanced between Democratic and Republican members, with one other member who would be independent of either party in his decisions. When it came to appear that this member, a justice on the Supreme Court, was going to decide in all cases in favor of the Republicans, Democrats believed that they were about to have the election taken away from them. After the dispute had lasted for months, during which there was talk of renewed civil war, the parties came to a solution. In return for a Democratic agreement not to oppose the selection of Hayes electors, Republicans agreed that a Republican presidential administration would not only remove the remaining federal troops from the South but also give political patronage to white southerners and be friendly to economic legislation beneficial to southern states. Hayes, who had expressed concern for the rights of black southerners, presided over the end of a policy that by 1877 no longer had political support. The Republican effort to protect civil rights in the South in a major way had ceased.

Points To Think About

1. Historians have long speculated over how Lincoln would have approached the problem of postwar reconstruction. And in so doing they are merely following the lead of his contemporaries, most of whom claimed their own proposals reflected Lincoln's plans. The real question may be: did Lincoln have any plans?

It seems probable that he did, but Lincoln confided them to no one. In this matter, as in most others, he kept his own counsel. The result is that, following the assassination, people have tried to infer his postwar plans from his wartime programs. This is a very dubious enterprise. The reason is that Lincoln sought throughout the war to shorten it by enticing the seceding states back into the Union. The generous terms he offered were contingent on their willingness to lay down their arms. And so those terms should be seen as the carrot Lincoln used alongside the military stick. That they should not be seen as likely precedents

for his postwar plans is suggested by this logic. Leniency was held out as a reward for voluntarily returning to the Union. None of the Confederate states earned that reward. That means that Lincoln, by his own terms, was free to deal with them as harshly as circumstances might demand. All this is technically true, and indicates Lincoln's essential conservatism. Yet there is a contrary truth to the Emancipation Proclamation. Lincoln knew what it implied, and so did the white South in its angry former public reaction to the Proclamation. It was, by implication and beneath its limited surface, a declaration of war against slavery. We also have Lincoln's reaction to the Wade-Davis Bill to go by. He objected not so much to its rigor as that it would tie his hands in advance. Lincoln wanted to be free to deal with a defeated South as circumstances might suggest.

All in all it seems that we will never know what Lincoln would have proposed. But the disastrous

course of Johnson always invites the question: what have done he

2. Reconstruction: most universal truth finally true though solved. After discrimination answer is: plan

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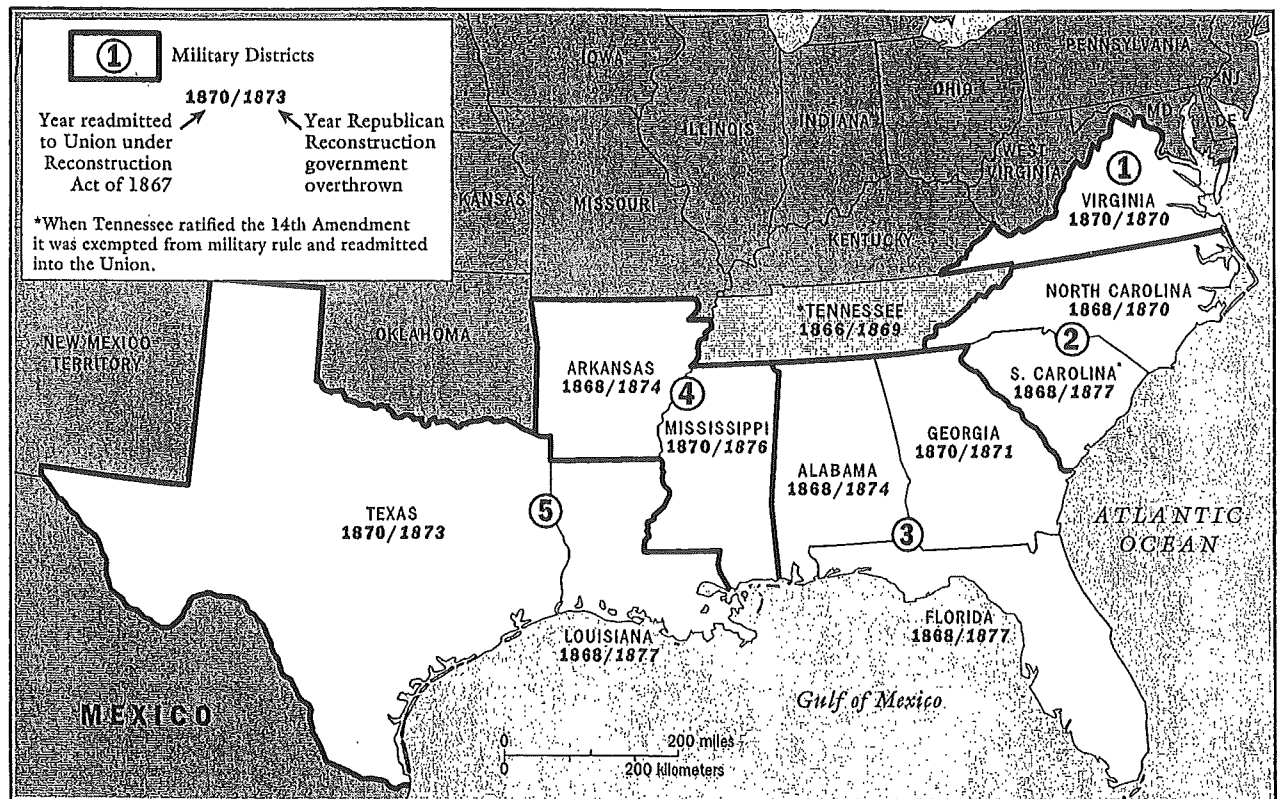
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The Reconstruction Act of 1867

BEFORE HE DIED, Abraham Lincoln promised "charity for all, malice toward none." His successor, Andrew Johnson, a Democrat from Tennessee, offered lenient conditions to the defeated South for reentry into the Union. In the elections of 1866, Congressional Republicans won a veto-proof majority, allowing them to enact their own Reconstruction terms. Angered by the passage by southern state legislatures of a series of anti-black state laws known as "Black Codes," in 1867, the Republicans pushed the first Reconstruction Act through Congress. The new

law divided the South into five military districts, each governed under martial law. All former Confederates were disqualified from voting. Finally, the law also stated that to be readmitted into the Union, each state had to write a new constitution and ratify the 14th Amendment (which granted citizenship rights to freedmen). The Tennessee legislature quickly met these conditions and was readmitted, but all other former Confederate states refused to do so, objecting to the voting disqualification clause.



Reconstruction: Two Opposing Proposals

Issue	President Johnson's Proposals	Congressional Proposals
State returning to Union	Revoke secession legislation; ratify 13th Amendment banning slavery	All of presidential requirements plus Congress had to approve new state constitutions; states had to ratify 14th Amendment
Martial law	None	The Reconstruction Act of 1867 divided all states that had refused to ratify the 14th Amendment into five military districts
Pardons	Blanket amnesty for all except high-ranking Confederate officers or property owners worth more than \$20,000 who must petition President	Same
Citizenship/voting	White males only	Black and white males granted by the 15th Amendment. Former high-ranking Confederates were excluded
Outcome	All states back in Union with Democratic Party-dominated governments by December 1865	All states back in Union with Republican Reconstruction governments by 1870

Reconstruction High School Official Transcript
50 Rice Street
Wellesley, MA 02148



Wellesley Public Schools

Focus: How did the Federal Government attempt to reconstruct the South?
Grading System: A=Superior; B=Very Good; C=Satisfactory; D=Needs Improvement; F=Failure
Teacher Comments: Justify the grade you gave for each category

Lincoln's Presidential Reconstruction

Issue	Details of the Plan	Grade	Teacher Comments
How the plan resolved issues of loyalty with ex-confederate leaders?			
How new state governments were formed?			
How the southern economy was rebuilt?			
How freed slaves were integrated into southern society? <ul style="list-style-type: none"> • Land distribution • Social equality • Education • voting 			

Reconstruction High School Official Transcript
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Teacher Comments: Justify the grade you gave for each category

Johnson's Presidential Reconstruction

Issue	Details of the Plan	Grade	Teacher Comments
How the plan resolved issues of loyalty with ex-confederate leaders?			
How new state governments were formed?			
How the southern economy was rebuilt?			
How freed slaves were integrated into southern society? <ul style="list-style-type: none"> • Land distribution • Social equality • Education • voting 			

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Congressional Reconstruction

Issue	Details of the Plan	Grade	Teacher Comments
How the plan resolved issues of loyalty with ex-confederate leaders?			
How new state governments were formed?			
How the southern economy was rebuilt?			
How freed slaves were integrated into southern society? <ul style="list-style-type: none"> • Land distribution • Social equality • Education • voting 			

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Wellesley Public Schools

Overall Grades and Summative Report

	Presidential	Congressional
Comments		
Grade		

Reconstruction Amendments in Your Own Words

AMENDMENT XIII

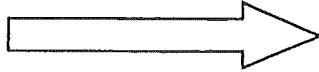
AMENDMENT XIV

AMENDMENT XV

Radical Republicans

President Johnson

Johnson seems to be conciliatory

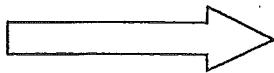


"Restoration"

Congress refuses to allow new delegates to enter House



Congress passes Civil Rights Bill and Freedmen's Bureau Bill with overwhelming support



Johnson vetoes:

Congress overrules Johnson's veto



Congress proposes 14th Amendment

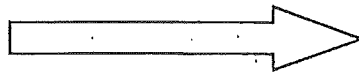


Johnson vetoes b/c passed in a Congress from which Southern states were excluded

Congress overrules Johnson's veto

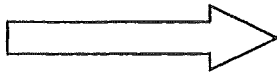


election of 1866--midterm



worked against Rep. Out west,

Reconstruction Act of 1867, against J's express wishes



vetoed, but Congress overrides and it gives J a lot of power b/c Act rested on military power--J is Commander-in-Chief

Congress curtails military power; J must pass all decisions through General of army



Tenure of Office Act: can only remove appointed positions with Senate approval



Johnson removes Sec. Of State Stanton

Senate Impeaches Johnson



Jim Crow South Supreme Court Cases

Background:

Although Congress had passed important laws to protect the political and civil rights of African Americans, the Supreme Court began to take away those same protections. During the 1870's, the Court issued a series of decisions that undermined both the Fourteenth and Fifteenth Amendments.

Reconstruction Era 1865-1877

In groups, read and complete the below chart based off the readings and your understanding of reconstruction.

Supreme Court Case	Brief Description of Case	What did this mean for African Americans?	Plot the decision on the democracy and authority spectrums we have used in class
Slaughterhouse Cases			

United States v. Cruikshank				
United States v. Reese				

Reflect:

To what extent should the federal government play a role in protecting the rights of minority groups (like African Americans in the South during and after Reconstruction? Or is this the responsibility of the states?

Slaughterhouse Cases (1869)

On the face of it, the *Slaughterhouse Cases* had nothing to do with the rights of African Americans. The Louisiana legislature in 1869 had granted one corporation a twenty-five-year exclusive franchise to conduct all the butchering business in three of the state's parishes. Health considerations were cited as the reason for granting the monopoly, though reports were rampant that carpetbagger lawmakers had been bribed. Whatever the machinations behind it, the official monopoly prompted a lawsuit by rival slaughterhouses that claimed a thousand butchers had been deprived of their natural right to earn a living—and thus of their privileges and immunities as guaranteed by the first section of the thus far untested Fourteenth Amendment.

Scheme
Secret
Plot

The key to Miller's opinion was in the first two sentences of the amendment itself:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . .

Miller chose to break the two sentences apart and not read them in the sequence in which they were put down. The first sentence, he said, was written to establish beyond question the citizenship of African Americans. But he did not interpret the second sentence to mean that no state could interfere with the basic rights of all American citizens. Instead, he read it restrictively. The second sentence, Miller said, was more important in the case at hand, for in it "the distinction between citizenship of the United States and the citizenship of a State is clearly recognized and established. . . . It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other. . . ."

So far as the five-to-four majority of the Supreme Court was concerned, however, it was "not the purpose of the Fourteenth Amendment . . . to transfer the security and protection of . . . civil rights . . . from the states to the federal government."

So the Court held. And so the licensing of slaughterhouses in Louisiana was declared to have nothing to do with men's rights under the Fourteenth Amendment. Whether the license had been rightly or wrongly granted was up to the courts of Louisiana to determine.

So the federal-state pendulum was given a sharp shove from Washington back toward the components of the Union. The federal government had not been handed a passkey to barge in on the states' authority to manage "those fundamental civil rights for the security and establishment of which organized society is instituted."

Kluger, Richard. *Simple Justice*. New York:

United States v. Reese (1875)

It was just six years after the Fifteenth Amendment had been adopted when Chief Justice Morrison Waite wrote a jolting opinion of the Court that made the federal guarantee of the right to vote all but worthless. The case of *United States v. Reese* had been brought in behalf of a black man otherwise qualified who went to register to vote in Lexington, Kentucky, but when he offered payment of the compulsory head tax—that is, a form of poll tax—it was refused. When he showed up to vote on election day and was again refused, he turned to federal authorities, who had the local white election officials duly indicted. It seemed an obvious example of denial of the right to vote, in a manner prohibited by the Fifteenth Amendment. Here was exactly the kind of situation the framers of the amendment had envisioned: arbitrary refusal of the black man's constitutional rights as a full-fledged citizen. The Supreme Court, however, disagreed. According to Chief Justice Waite, the Fifteenth Amendment did not confer on African Americans—or anyone—the right of suffrage. Only a state could grant that right to its citizens. What the amendment did say was that no state may *deny* any would-be voter the right to vote because of his race or color. It was not a positive grant allowing Congress to regulate or control all interference with a citizen's right to vote; Congress was limited to passing enforcement laws protecting a citizen "from discrimination in the exercise of the election franchise." In other words, any black who had been turned away at the polls had to prove that he had been prevented from voting specifically because of his race. That there could have been no other conceivable reason was not a factor the Court felt it proper to consider.

Kluger, Richard. *Simple Justice*. New York:
Random House, 1933. 2004.

(p. 59)

United States v. Cruikshank (1875)

In a companion case, Waite doubled the strength of the Court's blow. A riotous group of about 100 whites had broken up a political rally of blacks in Louisiana, and two of them were indicted under the federal acts enforcing the Fifteenth Amendment. The case, titled *United States v. Cruikshank*, involved rights thought to have been granted blacks under both the Fourteenth and Fifteenth amendments. Not so, said the Court. Invoking its ruling in *Reese*, it held that "the right of suffrage is not a necessary attribute of national citizenship" and that conviction of the Louisiana rioters could not be upheld because the indictment against them failed to charge that the rioters had harassed the blacks because of their race. So much for the Fifteenth Amendment. As to the Fourteenth Amendment, Chief Justice Waite agreed that it did indeed prohibit any state from depriving a citizen of life, liberty, privileges, and immunities, due process of law, and equal protection of the laws, "but this adds nothing to the rights of one citizen against another. It simply furnishes an additional guaranty against any encroachment by the states upon the fundamental rights which belong to every citizen as a member of society." In other words, a state was not allowed to deny any citizen within its jurisdiction equal protection of its laws, but a mob that broke up the meeting of black voters was not the state. It was a group of private individuals, and what they did was not "state action." And only state action—that is, action by the state itself in the form of a law or in the person of a public official—was covered by the Fourteenth Amendment. In short, it was not the federal government's business if a state failed to prevent a mob from interfering with an African American group's right to assemble peaceably.

Here were two cases almost custom-tailored for adjudication under the great new Civil War amendments and their supporting legislation. Two states had defaulted in their obligations to protect the rights of their citizens, and the highest court of the federal government was asked to correct the obvious error. Yet the Court declined and offered rulings that were, at best, examples of judicial hairsplitting. The *Reese* and *Cruikshank* decisions of 1875 were to prove just the tip of a distinctly jagged iceberg.

Name:

Date:

US 32

Tallevi/Berenson

Remembering Jim Crow
American Radio Works - National Public Radio
Part One: 14 minutes

Directions: As you are listening to Remembering Jim Crow, please answer the questions below. This is an ORAL HISTORY PROJECT—meaning that these are individual, ordinary people who are sharing their experiences living in the Jim Crow South with interviewers from Duke University.

1. How long did Jim Crow last?
2. What is the background of the term “Jim Crow”?
3. What instructions did Charles’ mother give him?
4. Why did whites allow blacks into town only on Saturdays?
5. “Jim Crow emerges in the 1890s.” WHY?

Name:

Date:

US 32

Tallevi/Berenson

6. A sign that read: "Negroes to the rear" really meant:

7. Professor Glenda Gilmore of Yale University defines Jim Crow as:

8. How was Jim Crow a political movement?

9. "A way had to be found to disenfranchise blacks without

risking _____."

What consensus did whites reach?

What did they do as a result?

10. What is the example of the literacy test they describe?

Name:

US 32

Date:

Tallevi/Berenson

11. According to Maurice Lupus what kinds of work opportunities did blacks have?

12. Why did Glen Conrad "best describes the situation of African Americans during the Jim Crow era as being comparable to serfs." Why?

13. What was the system of sharecropping like according to the descriptions given?

14. How did they describe lynchings in the South?